

Daryl Fallas  
77 Parker Avenue  
Deal, NJ 07723  
732-539-9025

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
RECEIVED

October 9, 2012 2012 OCT 10 AM 10 58

Clerk, U.S. District Court  
402 E. State Street, Room 2020  
Trenton, NJ 08608

Re: Case Name: FALLAS v. SCHACHTER PORNOY, LLC et al  
Case Number: 3:12-cv-05664-PGS-DEA

Dear Clerk:

Please file the attached **RESPONSE TO DEFENDANT'S RESPONSE ON  
PLAINTIFF'S OBJECTION TO REMOVAL FROM NEW JERSEY COURT**  
**And**  
**OBJECTION TO DEFENDANT SCHACHTER PORNOY, LLC'S MOTION TO  
DISMISS**

Please call me at the above number with any questions or concerns.

Thank you.

Very truly yours,



Daryl Fallas  
Plaintiff (PRO SE)

Re: Case Name: FALLAS v. SCHACHTER PORNOY, LLC et al  
Case Number: 3:12-cv-05664-PGS-DEA

**RESPONSE TO DEFENDANT'S RESPONSE ON PLAINTIFF'S OBJECTION TO  
REMOVAL FROM NEW JERSEY COURT**

**And**

**OBJECTION TO DEFENDANT SCHACHTER PORNOY, LLC'S MOTION TO  
DISMISS**

Defendant's inclusion of a copy of the affidavit of service upon Cavalry Portfolio Services dated August 23, 2012 is disingenuous. That was a second service I initiated solely because the court clerk failed to include the TAN with the filed copy of my complaint. It was all done at my initiative to make it whole. That doesn't negate the initial service of the summons and complaint on both Defendants on July 25, 2012; both of which I included in my objection to the removal of this case from state court. Attached as Exhibit A is another copy showing specifically that Cavalry Portfolio Services was served on July 25, 2012. The second service which Defendant included as evidence was specifically for the TAN.

As for Defendant Schachter Portnoy, LLC's Motion to Dismiss, I hereby oppose it for the following reasons:

1. It is not in this Court's jurisdiction to decide any portion of this case for the reasons already stated; and

2. Should this Court decide that this case is within its jurisdiction, both Defendant's acted arm in arm in the fraud they perpetrated. Cavalry SPV I, LLC needed Schachter Portnoy, LLC's position as a New Jersey Lawyer to lend teeth to their fraudulent attempts to collect a debt that I do not owe; albeit a set of false teeth. The two Defendants must be tried together for a jury to see the conspiracy to commit fraud. They are not only co-Defendant's, they are co-conspirators.

Your Honor, I filed this complaint not only for myself, but for the potentially thousands, if not millions of other victims out there that fall for this scheme. I believe these Defendants and those like them are a menace to society. This is a national disgrace. I know from experience and I know from research. In 2010, according to the FTC, it's second on the top ten consumer complaints. The number one complaint was identity theft. It was also a nine hundred billion dollar industry in that year. That's close to a trillion dollars. This has got to end before it destroys America. My only regret is that I cannot hire counsel to handle this for me. I admit that my chances of success are low indeed; not because I'm wrong in my belief, but because I'm poorly suited as a pro se indigent against high powered lawyers.

The fact that each Defendant has their own lawyers is testament to their admission of wrongdoing. According to their websites, Mr. Tischler's firm of Rivkin Radler, LLC, who are counsel for Defendant Schachter Portnoy, LLC, specializes in Professional Malpractice cases while Defendant Cavalry's counsel, Maurice & Needleman, proudly states on their website as a testament to their services their successes at defending Cavalry Portfolio Services, LLC; at least twice. This begs the question: Why haven't they taken this opportunity to file a counterclaim against me for the debt they claimed I allegedly owe? I intentionally filed the complaint against them to expose them once and for all, in spite of my pro se status. Instead of filing a counterclaim, they split up and lawyered up.

I'm looking forward to a trial by jury to present the evidence I have in support of my claim and to bolster it through the process of discovery; although I'm confident my current evidence will be quite sufficient to convince a jury to rule in my favor.

I pray that your Honor takes the latitude in assigning me counsel as I requested in my objection to the removal of this case from state court; not just for my sake, but for the future of America's.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are intentionally false, I am subject to punishment.

Dated: 10-9-12

Signed: \_\_\_\_\_



Daryl Fallas (pro se)

# Office of the Sheriff

## Sheriff's Return Of Service

12003956



**JOHN A. KEMLER**  
SHERIFF



MERCER COUNTY CIVIL COURT HOUSE  
175 SOUTH BROAD STREET  
P.O. Box 8068  
TRENTON, NEW JERSEY 08650-0068  
TELEPHONE: (609) 989-8100  
FAX: (609) 278-8041

UNDERSHERIFFS  
JAMES P. TAYLOR  
DONALD E. ELLISON  
PEDRO MEDINA

ASSISTANT TO THE SHERIFF  
CATHLEEN G. GARTON

CHIEF SHERIFF'S OFFICER  
RICHARD S. PIOTROWSKI

CHIEF WARRANT OFFICER  
BRIAN D. AMANTIA

PLAINTIFF DARYL FALLAS

DOCKET # L-1632-12

DEFENDANT CAVALRY SPV I LLC

I SERVED THE FOLLOWING PAPERS: SUMMONS & COMPLAINT ON THE WITHIN-NAMED DEFENDANT IN MERCER COUNTY, NEW JERSEY

SERVICE NAME	SERVED	NOT-SERVED	DATE	TIME	ADDRESS	SERVICE INFO
CAVALRY PORTFOLIO SERVICES	C		7/25/12	1055	3490 ROUTE 1 PRINCETON, NJ 08540 St 6	Darren Portney atty

STATE OF NEW JERSEY  
COUNTY OF MERCER

I, JOHN A. KEMLER, SHERIFF  
of said County do hereby  
deputize and appoint

to be my deputy, to execute and  
return the writ according to law.

Witness my hand and seal this 25  
day of July A.D. 2012.

- \* Type of Service
- A Personal Service
- B Household member over the age of 14 years, at usual place of abode
- C Served person authorized to accept service/Managing agent
- D Unable to locate, unknown at address given
- E Address Out of County
- F Avoiding service, made many attempts
- G Affixed
- H Certified Mail
- I Other

**JOHN A. KEMLER**  
Sheriff (L.S.)

Sheriff's Fee \$24.00

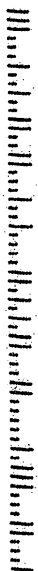
JOHN A. KEMLER, SHERIFF, by

*[Signature]* Special Deputy

Daryl Fallas  
77 Parker Avenue  
Deal, NJ 07723

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402 E. State Street, Room 2020  
Trenton, NJ 08608

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